

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re POLYURETHANE FOAM ANTITRUST LITIGATION)	
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)	
)	
This document relates to:)	MDL Docket No. 2196
)	Index No. 10-MD-2196 (JZ)
ALL DIRECT PURCHASER ACTIONS)	
)	

**MOHAWK INDUSTRIES, INC.'S MOTION FOR LEAVE TO
AMEND ANSWER TO DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED
AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15 and other applicable law, Mohawk Industries, Inc. ("Mohawk") respectfully moves this Court to enter an order granting Mohawk leave to amend its answer to the Direct Purchaser Plaintiffs' Consolidated Amended Class Action Complaint. Mohawk seeks to amend its Answer by adding the following affirmative defense:

SIXTEENTH DEFENSE

Plaintiffs' claims on behalf of putative class members are barred due to the presence of mandatory, binding arbitration agreements between Mohawk certain putative class members.

As set forth more fully in Mohawk's Memorandum of Law filed concurrently with this Motion, this Motion should be granted because such requests must be "freely give[n] . . . when justice so requires." Fed. R. Civ. P. 15(a)(2).

Respectfully submitted this 6th day of December, 2013.

ALSTON & BIRD LLP

/s/ Randall L. Allen

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CERTIFICATE SERVICE

I hereby certify that on this day I filed a copy of the foregoing **MOHAWK INDUSTRIES, INC.'S MOTION FOR LEAVE TO AMEND ANSWER TO DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the attorneys of record in this case.

Dated: December 6, 2013.

/s/ Matt Dowell

Matt Dowell